

ORIGINAL

Approved: \_\_\_\_\_

DANIEL H. WOLF  
Assistant United States Attorney

Before: THE HONORABLE BARBARA C. MOSES  
United States Magistrate Judge  
Southern District of New York

18 MAG 7469

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
UNITED STATES OF AMERICA : SEALED COMPLAINT  
:  
- v. - : Violations of 8 U.S.C. §§  
: 1326(a) & (b)(2)  
ALEX MENDOZA SOLAN, :  
a/k/a "Alex Soto Mendoza," : COUNTY OF OFFENSE:  
a/k/a "Anthony R. Lopez," : NEW YORK  
a/k/a "Alex Esteves," :  
a/k/a "Jose Jaramillo," :  
a/k/a "Anthony Santiago :  
Lopez," :  
Defendant. :  
:  
- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

MATTHEW LEW, being duly sworn, deposes and says that he is a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement, and charges as follows:

COUNT ONE  
(Illegal Reentry)

1. From at least on or about May 23, 2018, in the Southern District of New York and elsewhere, ALEX MENDOZA SOLAN, a/k/a "Alex Soto Mendoza," a/k/a "Anthony R. Lopez," a/k/a "Alex Esteves," a/k/a "Jose Jaramillo," a/k/a "Anthony Santiago Lopez," the defendant, being an alien, unlawfully did enter, and was found in, the United States, after having been removed from the United States subsequent to a conviction for the commission of an aggravated felony, without having obtained the express

consent of the Attorney General of the United States or the Secretary for the Department of Homeland Security, his successor, to reapply for admission.

(Title 8, United States Code, Sections 1326(a) and (b)(2).)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I am a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), assigned to the United States Marshals Service Regional Fugitive Task Force, and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and others and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. From my review of ICE records regarding ALEX MENDOZA SOLAN, a/k/a "Alex Soto Mendoza," a/k/a "Anthony R. Lopez," a/k/a "Alex Esteves," a/k/a "Jose Jaramillo," a/k/a "Anthony Santiago Lopez," the defendant, I have learned, among other things, the following:

a. MENDOZA SOLAN is a native and citizen of Ecuador; he is not and has never been a citizen of the United States.

b. On or about October 23, 1996, MENDOZA SOLAN was convicted under the name "Alex Solan a/k/a 'Jose Jaramillo,' a/k/a 'Alex Mendoza,'" in Superior Court, Hudson County, New Jersey, of burglary in the third degree, a felony, in violation of New Jersey Revised Statute 2C: 18-2, and of receiving stolen property in the third degree, a felony, in violation of New Jersey Revised Statute 2C: 20-7 ("Conviction-1").

c. On or about December 23, 1996, MENDOZA SOLAN was sentenced in connection with Conviction-1 to four years' imprisonment.

d. On or about October 8, 1998, MENDOZA SOLAN was encountered by the Immigration and Naturalization Service ("INS") while incarcerated at Bayside State Prison in Leesburg, New Jersey in connection with the sentence imposed for

Conviction-1. During this encounter, MENDOZA SOLAN voluntarily and freely identified himself as "Alex Solan Mendoza" and informed an INS officer that he, MENDOZA SOLAN:

- i. Initially entered the United States at or near Wilmington, Delaware on or about April 23, 1989, as a crewmember on a vessel that was anchored there and which he subsequently abandoned; and
- ii. Had used the names "Jose Jaramillo," "Alex Solan," and "Alex Mendoza" as aliases while in the United States.

e. On or about May 28, 1999, MENDOZA SOLAN was ordered removed from the United States to Ecuador based upon a removal order issued by a designated immigration official.

f. On or about September 3, 1999, MENDOZA SOLAN was deported from the United States to Ecuador (the "1999 Removal"). MENDOZA SOLAN's fingerprint impressions were taken in connection with the 1999 Removal (the "1999 Fingerprint Impressions") under the name "Alex Mendoza-Solan."

g. ICE has performed searches of relevant ICE indices and confirmed that, following the 1999 Removal to Ecuador, MENDOZA SOLAN never obtained the express consent of the Attorney General of the United States or the Secretary for the Department of Homeland Security, his successor, to reapply for admission to the United States.

4. From my review of ICE records regarding ALEX MENDOZA SOLAN, a/k/a "Alex Soto Mendoza," a/k/a "Anthony R. Lopez," a/k/a "Alex Esteves," a/k/a "Jose Jaramillo," a/k/a "Anthony Santiago Lopez," the defendant, I have learned, among other things, the following:

a. On or about March 17, 2004, MENDOZA SOLAN was convicted under the name "Anthony R. Lopez" in Supreme Court, New York County, New York, of attempted burglary in the third degree, a class E felony, in violation of New York Penal Law ("NYPL") § 140.20 ("Conviction-2"). On the same day, MENDOZA SOLAN was sentenced to five years' probation in connection with Conviction-2.

b. On or about February 22, 2005, ICE received notification of Conviction-2.

c. On or about May 25, 2005, a Grand Jury in the Southern District of New York charged MENDOZA SOLAN under the name "Alex Mendoza-Solan" in a one-count Indictment alleging that MENDOZA SOLAN violated Title 8, United States Code, Sections 1326(a) and (b)(2), i.e., illegal reentry to the United States after having been deported from the United States subsequent to a conviction for the commission of an aggravated felony, to wit, Conviction-1 ("Indictment-1").

d. On or about June 30, 2005, MENDOZA SOLAN was arrested on the charge alleged in Indictment-1. On the same day, MENDOZA SOLAN's fingerprint impressions were taken in connection with this arrest (the "2005 Fingerprint Impressions") under the name "Alex Mendoza-Solan a/k/a 'Jose Jaramillo.'" "

e. On or about August 31, 2005, MENDOZA SOLAN pleaded guilty to the charge in Indictment-1 ("Conviction-3").

f. On or about March 24, 2006, MENDOZA SOLAN was sentenced to 30 months' imprisonment and three years' supervised release.

g. On or about September 28, 2007, MENDOZA SOLAN was served with a Notice of Intent / Decision to Reinstate Prior Order in accordance with Section 241(a)(5) of the Immigration and Nationality Act.

h. On or about December 6, 2007, MENDOZA SOLAN was deported (for a second time) from the United States to Ecuador (the "2007 Removal") based upon a reinstatement order issued by a designated immigration official. MENDOZA SOLAN's fingerprint impressions were taken in connection with the 2007 Removal (the "2007 Fingerprint Impressions") under the name "Alex Mendoza Solan a/k/a 'Jose Jaramillo,' and 'Alex Solan.'" "

5. From my review of ICE and New York City Police Department ("NYPD") records regarding ALEX MENDOZA SOLAN, a/k/a "Alex Soto Mendoza," a/k/a "Anthony R. Lopez," a/k/a "Alex Esteves," a/k/a "Jose Jaramillo," a/k/a "Anthony Santiago Lopez," the defendant, as well as my training and experience, I have learned, among other things, the following:

a. On or about May 23, 2018, MENDOZA SOLAN was arrested under the name "Alex Soto Mendoza" by the NYPD in New York, New York, and charged with grand larceny in the third degree, a class D felony, in violation of NYPL § 155.35; criminal mischief in the third degree, a class E felony, in violation of NYPD § 145.05(02); and criminal trespass in the

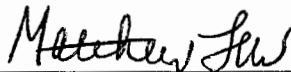
third degree, a class B misdemeanor, in violation of NYPL § 140.10 (the "2018 Arrest").

b. Fingerprint impressions taken from MENDOZA SOLAN at or around the time of the 2018 Arrest matched the 1999 Fingerprint Impressions, 2005 Fingerprint Impressions, and 2007 Fingerprint Impressions. Accordingly, I believe the same individual was subjected to the 1999 Removal, the 2005 Arrest, the 2007 Removal, and the 2018 Arrest.

6. ICE has performed searches of relevant ICE indices and confirmed that, following the 2007 Removal to Ecuador and prior to the 2018 Arrest, ALEX MENDOZA SOLAN, a/k/a "Alex Soto Mendoza," a/k/a "Anthony R. Lopez," a/k/a "Alex Esteves," a/k/a "Jose Jaramillo," a/k/a "Anthony Santiago Lopez," the defendant, never obtained the express consent of the Attorney General of the United States or the Secretary for the Department of Homeland Security, his successor, to reapply for admission to the United States.

7. Based upon my training and experience with ICE, I understand that each of the 1999 Conviction and 2007 Conviction qualifies as "an aggravated felony" within the meaning of Section 1326(b)(2) of Title 8 of the United States Code.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of ALEX MENDOZA SOLAN, a/k/a "Alex Soto Mendoza," a/k/a "Anthony R. Lopez," a/k/a "Alex Esteves," a/k/a "Jose Jaramillo," a/k/a "Anthony Santiago Lopez," the defendant, and that MENDOZA SOLAN be arrested, and imprisoned or bailed, as the case may be.



MATTHEW LEW  
DEPORTATION OFFICER  
IMMIGRATION AND CUSTOMS ENFORCEMENT  
DEPARTMENT OF HOMELAND SECURITY

Sworn before me this  
29th day of August, 2018



THE HONORABLE BARBARA C. MOSES  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK